

**FILED**

MAY 21 2008

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

Carl R. Menefee, Sr.

Plaintiff,

v.

City of Country Club Hills

Defendant.

**08CV2948****JUDGE LEINENWEBER****MAG. JUDGE VALDEZ**

**COMPLAINT OF JUSTICE SYSTEM IMPROVEMENT ACT**

1. This is an action for failure to comply with the Justice System Improvement Act (JSIA).
2. The Plaintiff is Carl R. Menefee, Sr. of the county of Cook in the state of Illinois.
3. The Defendant is City of Country Club Hills, 4200 W. 183<sup>rd</sup> Street, Country Club Hills, Illinois 60478. Telephone number 708.798.2616.
4. The Plaintiff sought employment at the Defendant's address in August of 2004.
5. The Plaintiff signed the Defendant's consent form on September 29, 2004. "Exhibit A."
6. The Defendant obtained Plaintiff's Federal and State (IL) criminal history information.
7. The City of Zion issued the Defendant a subpoena involving an unrelated administrative proceedings before the Illinois Human Rights Commission on January 8, 2008. "Exhibit B."
8. The Plaintiff obtained evidence that the Defendant produced and provided without consent copies of Plaintiff's criminal history information on May 15, 2008. "Exhibit C."
9. The Defendant is a municipal governmental agency.
10. Jurisdiction over the statutory violation alleged is conferred for the J.S.I.A. by 42 U.S.C.~3789g Confidentiality of Information.

11. The facts supporting the Plaintiff's claim of the Defendant's failure to comply with the J.S.I.A. are as follows:

A. ISSUE/BASIS

FAILURE TO COMPLY WITH J.S.I.A. ON OR ABOUT FEBRUARY 20, 2008,  
BY PRODUCING AND PROVIDING WITHOUT CONSENT IMMUNE COPIES OF  
FEDERAL AND STATE (IL) CRIMINAL HISTORY INFORMATION IN AN  
UNRELATED ADMINISTRATIVE PROCEEDING.

B. PRIMA FACIE ALLEGATIONS

1. Plaintiff gave the Defendant consent to conduct a background check for the Director position on September 29, 2004.
  2. The Defendant obtained Plaintiff's Federal and State (IL) criminal history information to evaluate for the Director position.
  3. On May 15, 2008, Plaintiff received evidence that Defendant produced and provided to the City of Zion without consent copies of his Federal and State (IL) criminal history information.
  4. On February 20, 2008, Defendant conveyed immune criminal information to the City of Zion in response to the January 8, 2008, Illinois Human Rights Commission subpoena No. 2897, in the matter of *Menefee v. Zion* 2005CA2865.
  5. The Defendant violates the statute 42 U.S.C.~3789g by producing and providing immune criminal information without consent, information that was obtained for the purpose of employment with the Defendant in August of 2004.
12. The Plaintiff demands a jury trial.

THEREFORE, the Plaintiff prays that if available, grant appropriate injunctive relief, punitive damages, pre and post-judgment interest, court cost, and any such relief as the Court may find appropriate.

Carl R. Menefee, Sr.  
Carl R. Menefee, Sr.

05-21-08  
Date

3517 Birchwood Drive  
Hazel Crest IL 60429  
708.335.0238



**COUNTRY CLUB HILLS  
POLICE DEPARTMENT  
3700 W. 175<sup>th</sup> PLACE  
COUNTRY CLUB HILLS, IL 60478**

Mayor  
Dwight W. Welch

Chief of Police  
William A. Brown

PH: (708) 798-3191

FAX: (708) 798-1211

**AUTHORIZATION TO RELEASE INFORMATION**  
(Personal Inquiry Waiver)

**TO WHOM IT MAY CONCERN:**

I respectfully request and authorize you to furnish the Country Club Hills Police Department with any and all information that you may have concerning me, my employment (work) and educational records, my reputation, and my financial and credit status. Please include any and all medical, physical and mental records and reports, including all information of a confidential or privileged nature, and photocopies of same, if possible. Your cooperation in this reply will be used to assist the Department in determining my qualifications and fitness for the position I am seeking with the City of Country Club Hills.

I hereby release you, your organization and others from any liability or damage which may result from furnishing the information requested.

x Carl R. Menger Sr.  
Applicant's Signature

09/29/2004  
Date

I hereby authorize the release of my Military Service Records (including medical, physical and mental health records and reports) to the Country Club Hills Police Department, Country Club Hills, Illinois.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Service Number: \_\_\_\_\_

Subscribed and sworn to before me on this \_\_\_\_\_ day of \_\_\_\_\_

Notary Public for State of Illinois \_\_\_\_\_

Note: A photocopy reproduction of this request shall be, for all intents and purposes, as valid as the original. You may retain this form for your files.

**PLAINTIFF'S  
EXHIBIT**

A

SUBPOENA FOR DOCUMENTS  
TO NON-PARTY

No 2897

STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSIONPLAINTIFF'S  
EXHIBITBCarl R. Menefee, Sr.,

v.

City of ZionCHARGE NO. 2005CA2865To: City of Country Club HillsE.E.O.C. NO. 21 BA 51641Attn: City Clerk4200 W. 183rd StreetALS NO. 07-457Country Club Hills, IL 60478YOU ARE HEREBY REQUIRED AND DIRECTED TO PRODUCE AND PROVIDE at 415 W. Washington St.,Suite 202in the City of Waukegan, Illinoison the 12th day of February, 20 08 at 9 o'clock a.m.

of that day for the purposes of examination and copying, the following books, payrolls, records, correspondence, documents, papers or other evidence:

SEE ATTACHED RIDER

WITNESS: A Commissioner of the Illinois Human Rights Commission has authorized issuance hereof, this

8th day of January, 2008

Atty. No. 0047643  
 Name Donald W. Anderson  
 Attorney for City of Zion  
 Address 415 W. Washington St., Suite 202  
 City/Zip Waukegan, IL 60085  
 Telephone 847-244-8682



Certified Article Number

7160 3901 9845 3569 0435

SENDERS RECORD

## RETURN OF SERVICE

I hereby certify that, being a person over 18 years of age, I duly served a copy of the within subpoena

☐ in person    ☐ by registered mail    ☒ by certified mail    ☐ by leaving copy at principal office or place of business, to wit: \_\_\_\_\_

 on the person named herein on January 9, 2008  
 (month, day and year)
Donald W. Anderson  
(Person making service)Subscribed and sworn before me this 9th day of January, 20 08Notary public: Mary Misic
 White: Witness  
 Yellow: Commission  
 Pink: Serving Party

"OFFICIAL SEAL"

MARY MISIC

Notary Public, State of Illinois  
My Commission Expires Feb. 17, 2008

# Ancel Glink

DIAMOND BUSH  
DiCIANNI  
& KRAFTHEFER

A Professional Corporation  
415 Washington Street, Suite 202  
Waukegan, IL 60085  
www.ancelglink.com

Donald W. Anderson  
danderson@ancelglink.com  
(P) 847.244.8682, Ext. 239  
(F) 847.244.8671

May 12, 2008

By Certified Mail, Return Receipt Requested

Carl R. Menefee, Sr.  
3517 Birchwood Drive  
Hazel Crest, Illinois 60429

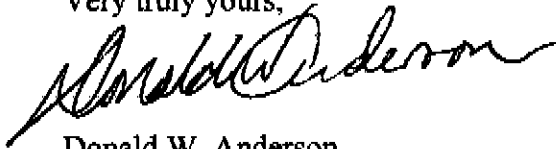
Re: Menefee v. City of Zion  
Charge No. 2005CA2865  
ALS No. 07-457

Dear Mr. Menefee:

Per your request, enclosed are the following documents:

- 1) A copy of the subpoena served on the City of Country Club Hills;
- 2) A copy of the letter sent to the Human Rights Commission evidencing service of the subpoena;
- 3) A copy of the return receipt evidencing service of the subpoena;
- 4) A copy of the documents received from the City of Country Club Hills pursuant to the subpoena;
- 5) A copy of the FedEx Airbill showing delivery of the documents sent pursuant to the subpoena.

Very truly yours,



Donald W. Anderson

Enclosure